

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CHARLES RICE,

10 Plaintiff,

11 v.

12 ICICLE SEAFOODS, INC.,

13 Defendant.

Case No. C08-0116RSL

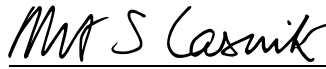
ORDER AWARDING
ATTORNEY'S FEES

14
15 By order dated December 17, 2008, the Court granted defendant's motion to
16 dismiss plaintiff's complaint with prejudice for failure to prosecute, as a sanction for
17 plaintiff's failure to participate in discovery, and based on lack of merit. The Court also
18 awarded defendant its reasonable fees and costs incurred in filing the motion to dismiss
19 pursuant to Federal Rule of Civil Procedure 37 because plaintiff failed to comply with a
20 discovery order of the Court, his failure was not substantially justified, and there were no
21 circumstances that would make an award unjust. The Court did not award a specific
22 amount of costs and fees because "the declaration submitted by counsel is insufficient to
23 establish the amount of attorney's fees and costs incurred." Dkt. #18 at p. 5. The Court
24 ordered defense counsel to file a supplemental declaration setting forth the basis for the
25

1 requested costs and fees, and counsel has done so.

2 Counsel does not state that defendant incurred any costs in filing the motion, so
3 the Court does not award costs. As for attorney's fees, counsel stated that she and an
4 associate actually billed \$1,884 in fees, but have requested an award of \$874.
5 Supplemental Declaration of Kara Heikkila, (Dkt. #19) at ¶ 2. The \$874 amount reflects
6 8.1 hours of work by an associate, whose hourly rate was \$160, and 2.8 hours of work by
7 Ms. Heikkila at her rate of \$210 per hour. The Court finds that the hourly rates, the
8 amount of time spent, and the tasks performed were reasonable. Therefore, the Court
9 awards defendant \$874 in attorney's fees. Plaintiff must remit that amount to defense
10 counsel within thirty days of the date of this order.
11

12
13 DATED this 5th day of January, 2009.

14
15
16 
17 Robert S. Lasnik
18 United States District Judge
19
20
21
22
23
24
25